

also heard their suggestions as to how the current system should be changed.

Fortunately, we also learned that the majority of Americans did not agree with the President's plan to turn the entire health care system over to the Federal Government.

But, while most Americans adamantly rejected his radical approach to health care reform, we also found tremendous support for reasonable and sensible reforms which will immediately improve our health care system.

In particular, we learned that the American people overwhelmingly believe we need to dramatically reshape our Nation's medical malpractice system.

Recent polls continue to show strong support for liability reform.

Eighty-three percent of Americans believe that the present liability system has problems and should be improved.

Eighty-nine percent believe that too many lawsuits are being filed in America today; and

Sixty-seven percent of American voters agree with the statement that "I am afraid that one day I, or someone in my family, will be the victim of a lawsuit."

Some of my colleagues might ask, why we are discussing medical malpractice reform during the product liability debate? Simple: many of the same problems facing American manufacturers also affect our doctors and health care providers.

During the last two decades, there has been an explosion of litigation that has saddled the health care industry with substantial costs wholly unrelated to providing medical care and services.

While I stand behind the right of every individual to right a wrong through the judicial system, this litigation bonanza does nothing to improve patient care or improve service delivery. It simply encourages frivolous lawsuits by creating an environment which is weighted in favor of the plaintiff's bar and against the world's best health care system.

Second, this ever-increasing tide of litigation has forced a large number of physicians to practice defensive medicine to protect themselves from lawsuits. This practice passes along greater costs to patients and insurers.

Lewin-VHI conducted a study in 1993, and discovered that the U.S. health care delivery system could save up to \$76.2 billion over 5 years by eliminating defensive medicine practices.

Taxpayers also feel the pain of defensive medicine in their checkbooks since the physicians who treat America's poor and elderly are forced to practice defensive medicine which increases the costs of the Medicare and Medicaid Programs.

Defensive medicine is a drain on our Federal budget, and one we cannot afford.

In 1991, medical liability premiums for hospitals and physicians totaled \$9.2 billion.

The current system has had a chilling effect on the ability of patients to access their doctors—especially those who live in rural areas.

For example, 70 percent of all ob-gyns will be sued during their careers. Many have decided to no longer offer obstetric services to their patients for fear of lawsuits. And obstetricians continue to pay the highest premiums of all health care providers.

From the standpoint of the victims, even when a lawsuit is justified and reasonable, they are often forced to wait up to 5 years between the time their injury occurred and the time they are compensated, under our current system.

More often than not, attorneys will only litigate cases with high award potentials, which tends to discourage attorneys from settling the cases early.

Finally, and perhaps most troubling, the medical malpractice system has placed a wedge between doctors and their patients; it undermines the mutual trust which is essential to the doctor-patient relationship.

Last year, after the relevant House committees failed to address medical malpractice reform, I introduced legislation very similar to the amendment offered today by Senators MCCONNELL, KASSEBAUM, and LIEBERMAN.

With this amendment, the Senate has the opportunity to do what the American people want—reform the system.

This amendment would do that by:

- Ensuring full recovery for economic and noneconomic damages including lost wages, as well as compensation for pain and suffering;

- Providing alternative dispute resolution;

- Establishing the use of the collateral source rule;

- Abolishing joint liability; and

- Requiring periodic payment of future damage awards.

These reforms are the first steps toward addressing the failure of our medical malpractice system.

I came to the floor today to reaffirm my support for sensible improvements to our badly broken medical malpractice system. As many of my colleagues have noted—Democrats and Republicans alike—our current system is costly, slow, inequitable, and unpredictable. Our system has failed hospitals, doctors, and ultimately, it has failed its patients. The American people deserve better.

While this amendment has my full support and I recognize the many hours of hard work my colleagues spent on this legislation, I believe we should go further.

I strongly encourage the Senate to include the \$250,000 cap on noneconomic damages.

In addition, we should extend protection to the manufacturers of medical devices by eliminating punitive damage awards if the device has received FDA approval.

According to Medical Alley, a coalition of Minnesota's entire health care industry, "the current liability system has a negative effect on health care product innovation."

They cite the fact that innovative products are not being developed, which has reduced our ability to compete in worldwide markets.

I urge my colleagues to ensure that significant changes are implemented. However, if the Congress and the President fail to secure fundamental reforms to our liability system, I will move forward and introduce legislation which will address the concerns of so many American doctors, consumers, and patients alike.

Mr. President, our medical malpractice system is in critical condition, but it is not too late to save it. The American people are demanding reform and the Senate must deliver.

We need a system that meets the needs of all Americans, not just the plaintiffs' bar. I believe this amendment is the prescription we have been looking for to cure this problem.

Thank you, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TAIWAN

Mr. THOMAS. Mr. President, as the chairman of the Subcommittee on East Asian and Pacific Affairs, I would like to share with my colleagues some developments concerning Taiwan which arose over the April recess.

As my friends are well aware, the State Department has for several years now prohibited the President of the Republic of China on Taiwan, Dr. Lee Teng-hui, from entering the United States. This prohibition extends not only to visits in his capacity as President, but to any visit even as a private citizen. The official rationale for this is that such a visit would offend the sensitivities of the Government of the People's Republic of China, which lays claim to Taiwan as a renegade province.

This stance is troublesome to me and many other Senators for several reasons. First, Taiwan has been our close friend and ally for several decades, and is presently our fifth largest trading partner. It is a model emerging democracy in an area not particularly known for strong democratic traditions. Regardless of these facts, however, we reward the Government of Taiwan by denying its elected officials even the most basic right to visit our country. The State Department policy has previously even been raised to the

ridiculous level of denying President Lee, in transit to another country, the ability to disembark from his aircraft during a stop-over in Hawaii.

Second, as I have previously noted on the floor, the only people to whom the United States regularly denies entry are terrorists, convicted felons, and people with certain serious communicable diseases. The Secretary of State has admitted Yasser Arafat, whom we denounced for years as a terrorist thug; he has admitted Terry Adams, the leader of the IRA's political arm Sinn Fein—a group responsible for terrorist attacks throughout the United Kingdom. Few of us in the senate can fathom how the State Department can possibly exclude President Lee—the democratically elected leader of a friendly country—when it has admitted these gentlemen, and instead add him to a list of pariahs.

Third, the refusal to admit President Lee comes at the express behest of the Government of the People's Republic of China. In the almost slavish lengths to which the State Department has gone to honor that demand, it has done nothing but strengthen the perception on Capitol Hill that it is rushing to kowtow to Beijing. State has countered that the People's Republic of China has threatened grave ramifications if Lee were to be admitted—since the People's Republic of China claims Taiwan to be a province—and admitting President Lee would be tantamount to a country admitting Gov. Pete Wilson as the head of government of a sovereign independent California, thereby threatening the authority of the central government. Yet their own actions severely undercut the Department's position. The Secretary has repeatedly admitted his Holiness the Dalai Lama to the United States. The Dalai Lama purports—rightly in my view—to represent the legitimate Government of Tibet. Chinese troops occupied Tibet in the 1950's, displaced the Government and absorbed Tibet as a province—the Xizang Zizhiqu or Xizang Autonomous Region. Despite Beijing's warnings to the contrary—warnings similar to those on Taiwan—we have admitted the Dalai Lama. We have done this despite the fact that, like President Lee, the Dalai Lama claims to represent a country which the People's Republic of China considers to be a province. Why, then, the inconsistency in the State Department's position?

Fourth, attempts by the People's Republic of China to dictate our immigration policy to us strike many as presumptuous. To put it in terms which the Government in Beijing can understand: Who we admit to this country under our immigration laws is strictly an internal affair of the United States. Mr. President, the People's Republic of China is continually telling us to butt out of issues they consider to be their internal affairs—human rights abuses, for example; they would do well to listen to their own advice.

Congress has made it abundantly clear that it disapproves of the administration's position on this issue. Votes urging the Secretary to allow the visit have passed overwhelmingly in both Houses in past years. This year, Senate Concurrent Resolution 9 and its House counterpart both enjoy wide, bipartisan support. I expect that they will both come to a vote within the next week and pass with few, if any, detractors.

There have been some signs—albeit exceedingly subtle—that the administration may be considering some reworking of its past positions. In New York City on the 17th of this month, on the occasion of the visit of the People's Republic of China's Foreign Minister Qian, a senior State Department official made certain statements which may provide a small glimmer of hope that the administration may be coming around. Mr. President, you will note from the amount of qualifying words that I have just used that I consider the likelihood of them coming around to be rather slim.

That would be unfortunate, because I think that it would reflect an underestimation of the depth of the feeling in the Congress on this issue. Just so there is no mistaking what I believe the reaction of the Senate will be to a continued denial of a private visit by President Lee—even in the face of the two resolutions—let me point out the following for our friends in the administration. I have prepared legislation to require the Secretary to admit President Lee this year for a private visit, which already has seven original cosponsors. At least two other Senators I know of are poised to introduce similar legislation. Should the Secretary fail to accommodate a private visit by President Lee in the very near future, the three of us are prepared to act. I will ensure that any such legislation moves quickly through my subcommittee, and on to the floor.

Mr. President, it is unfortunate that this simple issue has had to come to this. If the parties had simply, we could have put this behind us and gotten on with the more serious issues that concern us. The obstinance of the State Department, and the People's Republic of China, only serves to harden Members' attitudes and to turn their attention toward other, more controversial, areas such as Taiwan's participation in the United Nations and WTO. We would all do well to remember the proverbial observation that the grass that bends with the wind survives the storm, while the branch that remains stiff and obstinate does not.

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IN HONOR OF SOUTH DAKOTA'S  
1995 TEACHER OF THE YEAR,  
BECKY EKELAND

Mr. DASCHLE. Mr. President, I want to congratulate the 1995 South Dakota Teacher of the Year, Becky Ekeland. I

can attest to the fact that this is an honor she well deserves.

Being selected Teacher of the Year is a most significant accomplishment. It means you have gained the utmost respect of your colleagues and students. Becky Ekeland was nominated by her fellow teaching staff in the Brookings School District and ultimately selected by a committee of statewide officials.

Ms. Ekeland is an English teacher at Brookings High School. She has been an educator for 20 years. South Dakotans, especially the students of Brookings, are extremely fortunate to have Mrs. Ekeland in our State.

Mrs. Ekeland's dedication to her students is evidenced in a hundred different ways. One example is the grammar lessons she creates each year. Rather than relying on a textbook, she tailors her lessons to the specific needs of each class. It's her way, she said, of showing her students how the English language works and what it means in their day-to-day lives.

Schools have undergone enormous change in the 20 years since Mrs. Ekeland began her career. One of the most profound changes is the tremendous new demands placed on parents. Many children now come from single-parent families. In other families, two parents work two and even three jobs just to make ends meet.

A teacher's job is always demanding, but it become even more difficult when teachers have to fill in as parents, too.

Given the increasing pressure on our schools—and our increasing need for good schools, now is not the time to be cutting educational resources.

In coming weeks, as we debate next year's budget, let us remember what President Kennedy said: "A child miseducated is a child lost. And let us pledge to give America's students and teachers the support they need to succeed. In a real sense, they are our future."

I want to mention a few things Becky Ekeland is working to improve the teaching profession and make that future more secure.

First, she is a positive voice in the community, letting people know the good things that happen in the school.

She participates in professional organizations.

She takes seriously her responsibility to be a good example, demanding from herself what we all should be able to expect from our teachers.

she attends classes, workshops, seminars and conventions in an effort to constantly improve herself and her educational skills.

The greatest testament to Ms. Ekeland's skill comes from her fellow staffers and former students.

The counselor at Brookings High School describes her as "self-motivated, conscientious, responsible, dependable, a professional individual, always willing to give 110 percent while at work; another 110 percent worth of quality time when at home with her family."